

## CHAPTER 10: IMPLEMENTATION STRATEGY

### Introduction

A Growth Policy is a non-regulatory document created to “ensure the promotion of public health, safety, morals, convenience or order or the general welfare, and for the sake of efficiency and economy in the process of community development” (76-1-106 M.C.A.). A Growth Policy does so by working with community members to identify a collective vision and develop goals and policies to support and implement that vision over time. The Flathead County Growth Policy has fifty goals and over two hundred supporting policies that do just that. Some of those policies may be implemented by the Planning Office in the normal course of business, as land use applications undergo review. However, there are over one hundred policies that call for specific actions beyond the scope of daily application processing activities undertaken by the Planning Office. These policies call for things such as agreements with other governmental bodies, identification of lands suited for particular purposes, new countywide plans and new or expanded regulations. This chapter organizes those policies into categories and calls for the creation of an implementation plan by the County Commissioners and Planning Board. The Implementation Plan would achieve the goals of the growth policy in a reasonable timeframe. Land use maps are an integral part of the implementation strategy, and their recommended use is explained in this chapter. Existing instruments including subdivision and zoning regulations as well as neighborhood plans act as logical extensions of this strategy. New instruments should also be considered, and specific measures are suggested in this chapter. Public participation is one of the most important components of any implementation strategy; no new policies, plans, maps or regulations should be formally adopted until they have been publicly reviewed by the Planning Board and their recommendation forwarded to the County Commissioners in the manner set forth herein.

It is important to remember a Growth Policy is not a miracle cure for the ills of a growing community. Even the best Growth Policy has no impact if it cannot be implemented. In keeping with Chapter 1 of this document, regulations should protect public health and safety with minimal impact on personal freedoms. Implementing the Flathead County Growth Policy must achieve a balance. This chapter discusses various aspects of implementing the Flathead County Growth Policy and proposes techniques that are a reasonable “middle ground” between many competing interests.

The implementation tools described in this chapter are reasonable and appropriate suggestions for Flathead County based on numerous suggestions received from the public during the development of this Growth Policy document (see Appendix B: Public Involvement Summary).

## **PART 1: Categories for Policy Implementation**

This section organizes various policies of the Growth Policy into categories based upon the type of action called for. A variety of plans, agreements, maps and regulations are listed below. The county will be able to more effectively deal with the ramifications of growth when the recommended documents are in place. The County Commissioners should meet with the Planning Board in the first six months after the growth policy has been adopted to establish priorities and create an implementation plan to be a part of the initial amendment (see Part 6 of this chapter). The implementation plan shall include a complete timetable for implementing the growth policy. The implementation plan and timetable for completion should be revisited following each Growth Policy update cycle, to review what has been accomplished and revise the strategy accordingly. Ultimately, the implementation plan and timetable for completion are determined by the Flathead County Board of Commissioners, and may evolve depending on the make-up of the Board over time.

## **PART 2: Public Process**

The Flathead County Growth Policy does not address the specifics of every growth issue but rather creates a guiding framework that calls for detailed plans to be developed and incorporated over time, as appendices to this document. The list of plans that may be appended to the Flathead County Growth Policy includes (but is not limited to);

- **Affordable Housing Plan**
- **Parks and Recreation Master Plan**
- **Trails Master Plan**
- **Transportation Plan**
- **Water Quality/ Flathead Basin Management Plan**
- **Public Facilities Plan**
- **Emergency Plan(s)**
- **Wastewater Management Plan**
- **Mineral Resource Extraction Plan**
- **Economic Development Plan**

All plans created in Flathead County should involve the public and be a reflection of the views of the residents. In order to accomplish this, the following process will be utilized:

1. **Guidance from Planning Board and Commissioners:** The Flathead County Planning Board and Flathead County Board of Commissioners will prioritize and guide planning projects in Flathead County and offer guidance to planning staff accordingly.
2. **Scoping Meetings:** The public must first be informed of the problem or problems and the manner by which the proposed plan will address these issues. This allows the public to determine if the proposed plan is an efficient and worthwhile allocation of public resources. Meetings shall have opportunities for the public to

- provide comments and suggestions. Public meetings should be held county-wide at convenient times and locations and should be advertised on the County's website as well as in the local newspaper, and posted locally in public places including (but not limited to) post offices, convenience stores and/or libraries.
3. **Public Workshops:** As the draft plan is created, interactive public workshops will be conducted covering concepts and solutions being considered for incorporation into the plan. Workshops will allow staff and the public to refine ideas before they are presented in the draft.
  4. **Public Comment on Draft:** After the document is created, a draft version will be released for public review and comment. Electronic versions shall be available online and paper versions at Flathead County libraries and the Flathead County Planning and Zoning Office. The public will have an adequate amount of time (no less than 30 days) to read and comment on the draft plan, prior to formal consideration by the Planning Board.
  5. **Planning Board Review and Revision:** The Flathead County Planning Board shall review and revise the draft plan as the Board deems appropriate and based on public comment received. This review will take place during a series of public workshops and at least one public hearing, following the procedural requirements set forth in Section 76-1-602 M.C.A.
  6. **Final Public Review and Comment:** A final, revised version of the plan will be forwarded to the Flathead County Commissioners for their consideration. After the commissioners pass a resolution of intent to adopt, the public will have an opportunity to read and comment on the final plan, the timeline for which shall be established by the Commissioners.

### **PART 3: Land Use Maps**

Land use maps are traditionally used to illustrate locations in a given area that have identified characteristics. They graphically present valued information such as boundaries, spatial relationships and various geographical characteristics. The Growth Policy utilizes land use maps in several ways. There are Officially Adopted Maps that become extensions of the Growth Policy. There are Illustrative Maps that indicate relatively specific areas where certain conditions exist. There are maps which simply reflect existing conditions as of the date of the map. There are also Proposed Maps that are not yet in existence, but are suggested as a means to accomplish certain objectives.

#### **Officially Adopted Maps**

The following Officially Adopted Maps have been adopted as part of the Flathead County Growth Policy. They serve as visual representations of select parts of this document and are thus considered visual policy statements. They should be implemented and regarded the same as the written portions. Additional maps may be officially adopted as part of the Growth Policy in the future. No maps are as yet listed in this section.

### **Designated Land Use Map (See enclosed map)**

This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.

### **Illustrative Maps**

These maps illustrate areas of the county that have been identified as belonging in various categories. Initial versions of these maps are included in the Growth Policy and have been noted as being for “illustrative purposes only”. The Planning Department will update these maps and provide additional maps as information becomes available. These maps are not definitive and are not to be used to legally classify a particular piece of real property. They can be used to indicate the likelihood of a particular condition existing on a particular site. The burden of proof will fall upon the owner or developer of a parcel to demonstrate the condition does not exist. The following maps have been provided as part of the Growth Policy:

- Map 2.1: Flathead Lands
- Map 2.2: Corporate Timber Lands
- Map 2.3: Agricultural Land Use
- Map 2.3(a): Agricultural Land Use (detail)
- Map 2.3(b): Land Classification (from MT Department of Revenue records)
- Map 2.4: Groundwater
- Map 2.5: Slopes Analysis
- Map 2.6: Floodplain
- Map 2.6(a): Floodplain (detail)
- Map 2.7: Geologic Fault Lines

- Map 2.8: Wetlands
- Map 2.8(a): Wetlands (detail)
- Map 3.1: 2010 Census Designated Places
- Map 3.2: 2010 Population per Square Mile
- Map 3.2(a): 2010 Population per Square Mile (detail)
- Map 4.1: Existing Park and Recreation Sites
- Map 6.1: Transportation Network
- Map 6.2: Bike & Pedestrian Paths Network
- Map 7.1: Existing Septic Systems
- Map 7.2: Existing Wells
- Map 7.3: Fire Districts
- Map 7.4: Emergency Response Districts
- Map 8.1: Flathead Watershed
- Map 9.1: Sand and Gravel Resources
- Map 11.1: Existing Neighborhood Plans

### Proposed Maps

- **Official Right-of-Way Maps** - Official maps are used to spatially identify rights of way that must be preserved in a growing community. One of the causes of increased traffic is a static transportation grid that forces more cars onto the same roads. Areas where public utilities should be located to serve the public are identified, allowing landowners to plan accordingly. By planning areas of Flathead County where roads, trails and public utilities should be built to serve a growing community, the acquisition of rights-of-way can occur over time during the development process, rather than all at once through an expensive and undesirable condemnation process. An official map that plans for essential road, trail and public utility corridors would serve to eliminate requests for right-of-way easements on a project-by-project basis. Developers and landowners would consult the “official map” during the project planning process to determine whether any rights of way will be requested by Flathead County over time or as

part of the review. Standards for county execution of road, trail, or utility construction once a certain amount of right of way is acquired should be included to insure that rights-of-way are used in a timely manner.

## **PART 4: Existing Land Use Instruments**

### **Subdivision Review**

The subdivision of land in Flathead County is and will continue to be regulated by the Flathead County Subdivision Regulations. Subdivision review implements the Growth Policy by ensuring healthy, safe and compliant development practices that do not unreasonably impact the residents of Flathead County. The regulations undergo periodic review to ensure continued compliance with the Montana Code Annotated as well as the policies cited above; the most recent revision went into effect on April 1<sup>st</sup>, 2011.

Local government review of subdivision is required under 76-3-501 M.C.A. Pursuant to 76-1-601(3)(h) M.C.A., growth policies in the State of Montana are required to contain statements explaining how the governing body will define, evaluate and make decisions regarding proposed subdivisions with respect to the criteria identified in 76-3-608(3)(a) M.C.A. Accordingly, the Growth Policy should identify:

- **How the governing body will define impacts** - Spatial thresholds and criteria will be established and listed to define the impact of both major and minor subdivisions on the elements listed specifically in 76-3-608(3)(a) M.C.A. These thresholds and criteria will be included in the subdivision regulations and subject to public review.
- **How the governing body will evaluate and make decisions regarding proposed subdivisions** - Each of the thresholds and criteria that are listed as definitions will be stated as presumptions of impact if the definition is met. All development applications meeting the definitions will be required to present evidence to overcome the presumption of impact. The governing body will consider evidence presented by the applicant and determine whether the applicant has overcome the presumption. This method of evaluating and making decisions regarding the impact of proposed subdivisions places the burden of proof on the applicant, not the residents or representatives of Flathead County.
- **How the governing body will conduct public hearings on proposed subdivisions** - The Flathead County Planning Board, an authorized agency of the governing body (76-1-101 M.C.A.), will conduct public hearings compliant with the requirements of 76-3-605 M.C.A. Meetings will generally be conducted according to Roberts Rules of Order, and will contain the following items, not necessarily in this order:
  1. Reading of the public notice for hearing.
  2. Approval of minutes.

3. Report by staff.
4. Presentation by applicant/representative.
5. Agency comments.
6. Public comments.
7. Staff/Applicant rebuttal.
8. Board questions of staff, applicant.
9. Motion.
10. Second to motion.
11. Board discussion, questions.
12. Action on the motion.
13. Public comment on any matters not specifically on the public notice for hearing.
14. Old business.
15. New business.
16. Motion to adjourn
17. Second to the motion.
18. Action on the motion.

## **Zoning**

Land use zoning in existence at the time the Growth Policy is adopted shall remain in place unless modified by an approved land use application. Current and future zoning districts may include, but are not limited to the following use classifications:

- Agriculture
- Timberlands
- Residential
- Commercial
- Industrial
- Public
- Corridor
- Planned Unit Development Overlays
- Neighborhood plan specific zoning in existence at the time of adoption of this document.

## **Neighborhood Plans**

Flathead County has a long tradition of recognizing Neighborhood Plans to be the most grass root form of local participation and influence. All Neighborhood Plans that were adopted as part of the 1987 Master Plan are hereby incorporated as addenda to the Flathead County Growth Policy. Neighborhood Plans created or updated between the adoption of the 1987 Master Plan and the 2007 Growth Policy were similarly recognized as formal addenda to the 2007 document, and the same goes for plans created or updated between 2007 and the 2012 Growth Policy update (reference Chapter 11 of this document for a detailed list of recognized Neighborhood Plans). Existing neighborhood plans adopted under the Growth Policy should be reviewed for consistency with the provisions



of Chapter 11 of this document, as well as the goals and policies found throughout. Implementation of neighborhood plans must be subsequently reviewed for consistency in promoting the goals and policies of the plan, especially as a plan is updated or revised over time.

## **PART 5: Possible Land Use Instruments**

The following are suggested as potential instruments for use by Flathead County in implementing the Growth Policy. Each has its own benefits and can be utilized in specialized circumstances to achieve desired results.

### **Special Consideration Areas**

Areas of Flathead County with unique situations pertaining to public health, safety and general welfare will be treated with special consideration. Each area will be delineated using criteria open to public scrutiny and subject to the health, safety and general welfare goals of the Flathead County Growth Policy. Special consideration areas should include, but not be limited to:

- Glacier International Airport
- Glacier National Park
- Gateway areas
- Flathead County Landfill
- Designated floodplain
- Lakes and lakeshore protection areas
- Wetlands
- Critical wildlife habitat

Regulations applicable to “Special Consideration Areas” should be the minimum necessary to mitigate the impact of growth and development. Special consideration areas should not be misconstrued to prohibit development, but should be used to create impact mitigating standards and/or incentives to promote appropriate and compatible development in these areas.

### **Capital Improvement Plan**

Flathead County must use a systems approach to identify and prioritize maintenance and infrastructure improvements relative to all other county and regional service delivery programs and needs. A comprehensive capital improvement plan (CIP) including, but not limited to, buildings, roads, public services and facilities as well as parks and recreation areas must be created to compare needs with existing and future sources of revenue. Most CIPs are based on performance and identify what improvements and programs are needed to provide a level of service goal or to meet public demands and expectations.



A typical CIP document involves a short term (five year) and long term (total) list of facilities and needs. The CIP is used to develop an annual budget and to determine funding gaps to maintain a certain level of service or performance. A CIP should contain an administrative section that prioritizes projects based on goals and policies of the Flathead County Growth Policy, and a fiscal plan to identify costs for planning, design and construction of each CIP project. Identifying project costs and scales assists coordination of financial arrangements as well as construction timelines. Prioritizing capital projects aids the planning process by identifying areas that will have infrastructure capacity to accommodate certain types of growth.

### **Impact Fees**

During the 2005 legislative session, Senate Bill 185 was passed enabling jurisdictions in Montana to utilize impact fees to mitigate actual impacts on the local infrastructure resulting from development. Before Flathead County can utilize impact fees, a study must be completed to determine the actual fiscal impact to local facilities and services of each lot in a new development. To meet the established goals of the Flathead County Growth Policy, impact fees shall be assessed that are justified, reasonable and accurate.

### **Special Improvement Districts**

Special improvement districts establish a way for those residents who will benefit from an improvement to community infrastructure to pay for the improvement without burdening all residents. The authorization to create rural improvement districts (districts outside of incorporated areas) comes from 7-12-2102 M.C.A. State law clearly establishes the projects and purposes for which improvement districts may be created. Flathead County can create rural improvement districts for infrastructure improvements that will benefit a limited number of county residents and are specifically authorized in 7-12-2102 M.C.A.

### **Tax Increment Financing**

Tax increment financing is an implementation tool that utilizes future revenue generated by a public improvement project to secure up-front financing. Tax increment financing is authorized for a variety of projects in 7-15-4282 M.C.A., and any use of tax increment in rural Flathead County must comply with all relevant state statutes.

### **Performance / Impact Zoning**

Adopted under traditional zoning laws, this program regulates the impact of a use rather than the use itself. For example, there would be no strictly residential, commercial or industrial zoning districts. Instead, a developer would have to comply with a series of prescribed performance standards that would address the amount of traffic generated, the number of access points, the amount of dust, odor or smoke emitted, fire protection, height, setbacks, views, landscaping and screening, sewer and water plans, drainage, etc.

resulting from a proposed development. This type of zoning has been utilized to implement certain existing neighborhood plans.

### **Development Rights**

Development rights may be considered a commodity that can be bought and sold. Some communities have set up systems to facilitate the transfer of these rights. The systems have proven difficult to use and may not be well suited to an area the size of Flathead County, particularly without the participation of the incorporated areas and without County-wide zoning in place. These systems will evolve over time and it may become advisable for the county to consider this as an option for the future.

### **Community Character Based Land Use Systems**

Community character based land use systems attempt to define and map general land use types, such as urban, suburban and rural. They then go on to describe the type of development that may be compatible with each land use type, in terms of size and density but not in terms of use. A fundamental objective of this type of system is to preserve the character of an area and enhance it where possible; to allow development, but to assure that development is consistent with character. Community character based land use systems establish standards and criteria for land development that will maintain and enhance specific character types (urban, suburban and rural) in designated areas. These systems have been successfully utilized in Wyoming, Washington and Colorado, areas that are also concerned with maintaining the identity of rural communities (see Chapter 1: The Character of Flathead County).<sup>1</sup>

## **PART 6: Monitoring Implementation**

Implementation of the Flathead County Growth Policy must be monitored for the document to succeed in serving the public. Monitoring compliance with goals and policies of the document, as well as execution of the implementation timeline, is a critical component of the document.

### **Growth Policy Update**

At a minimum of every five years, the Planning Board shall prepare a draft revised Growth Policy. The revised Growth Policy should include updated demographic and housing statistics, existing characteristics and projected trends. Market fluctuations, environmental events, shifts in custom and culture, and all other changes in the community should also be documented. Goals and policies should be revised as needed to accurately reflect the present day needs of Flathead County, and new goals and policies suggested to capture evolving trends. The update should include a review of implementation techniques, identifying new techniques needed to implement goals and

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<sup>1</sup> Duerksen, Christopher & James Van Hemert. True West: Authentic Development Patterns for Small Towns and Rural Areas. American Planning Association; Planners Press, 2003.

policies as well as those implementation techniques no longer relevant or appropriate and that should be eliminated.

Public meetings shall be held to present revisions to the public and gather public opinion. After a thorough public engagement process, the document shall be forwarded to the Planning Board for consideration (or following the appropriate process as determined by current state statute). The Planning Board shall consider revisions and make changes as needed before making a recommendation to the County Commissioners.

## **PART 7: Growth Policy Amendments**

A plan must be allowed to function as intended before an accurate measure of its effectiveness may be made. However, all plans must have a degree of flexibility. Various events could potentially create a situation where certain goals, policies and/or implementation techniques are no longer adequate or appropriate. If this occurs prior to the regularly scheduled updates, the Flathead County Growth Policy may be amended. Amendments may be proposed by initiative from governing bodies or citizens. It is also contemplated that an Initial Amendment shall be needed to correct any oversights, flaws or unintended consequences that become apparent as the Growth Policy is put in place. Additionally, it is assumed that from time to time changes will need to be made to the Officially Adopted Maps. Amendments shall be adopted by the following methods.

### **Initial Amendment**

The Initial Amendment shall be proposed to the County Commissioners by vote of the Flathead County Planning Board in the seventh month following adoption of this Growth Policy by the County Commission. This amendment shall correct any perceived flaws and oversights in the document, remedy any unintended consequences and include final, or updated, versions of maps and other items referenced in the Growth Policy. The Planning Board shall also call for written submissions for inclusions in the Initial Amendment from the public. All such submissions shall be received prior to the end of the fifth month after this Growth Policy has been officially adopted. A public hearing or hearings on the Initial Amendment shall be conducted by the Planning Board prior to its recommendation to the County Commissioners for adoption.

The Flathead County Planning Board completed an initial amendment to the Growth Policy document in December of 2007. The amendment included the adoption of an implementation plan (Appendix 'C') offering a detailed analysis of the 262 policies found within the document.

### **Amendments Initiated by Governing Bodies**

To continually protect and serve the public health, safety, morals, convenience, order, or general welfare of all residents of Flathead County, planning staff may, at the request of the County Commissioners or majority vote of the Planning Board, initiate an

amendment to the Flathead County Growth Policy. Amendments shall be subject to standard public review procedures including public notice of hearing in a newspaper of record, preparation of findings of fact, planning board hearing and recommendation and decision by the governing body. Findings of fact shall be based on criteria for growth policy amendments found later in this chapter.

### **Citizen Initiated Amendments**

Circumstances may arise when residents in Flathead County feel the growth policy is no longer adequately protecting the public health, safety, morals, convenience, order, or general welfare in the process of community development (pursuant to 76-1-106 M.C.A.), and may feel revisions are warranted. If this occurs, an application requesting a specific revision may be submitted to the Planning and Zoning Office for consideration. Such written request for revision must address the criteria outlined later in this chapter, and will be reviewed by the Planning Board and County Commissioners as a plan amendment.

### **Map Changes**

Officially adopted maps are essentially “snapshots in time” of the county. As such, it will become necessary to amend those maps to reflect actual changes over time. Other types of changes may also become advisable. Map changes should be considered by the Planning Board on a quarterly basis, or as staff time and resources permit. Possible changes to the Officially Adopted Maps may be suggested in writing to the Planning Office at any time for consideration during the next regularly scheduled ‘Map Change’. Such suggestions must include verifiable evidence necessitating the proposed change. As part of the 2012 Growth Policy update, all Officially Adopted Maps will be available in digital format on the Flathead County Planning and Zoning website, ensuring the public has continual access to the maps – as well as the corresponding text - of the document. Keeping the maps in digital format will also increase the frequency at which they may be updated in the future.

### **Growth Policy Amendment Criteria**

The following criteria shall be used when considering amendments to this document:

- Does the amendment affect overall compliance of the growth policy with 76-1-601, M.C.A.?
- Is the amendment based on existing characteristics and/or projected trends that are substantially different from those presented in the most recent update?
- Does the amendment create inconsistencies within the document?
- Does the amendment further protect and comply with the seven elements of the public’s vision for the future of Flathead County?
- Has the proposed amendment undergone a sufficient process of county-wide public participation and review?